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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[21 February 1994]

Relationship between civil defence forces and human rights violations - the situation in Guatemala

1. In resolution 1992/57 of 3 March 1992, the Commission on Human Rights requested the Secretary-General to ask Governments, intergovernmental and non-governmental organizations for information on civil defence forces and human rights. The Commission recognized that civil defence forces may violate the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Human Rights Advocates (HRA) responded to this request with a full written statement which specifically addressed the civil defence force situation in Guatemala. The substance of that report was incorporated into the Secretary-General's report to the Commission (E/CN.4/1993/34).

2. Pursuant to the Secretary-General's report, the Commission adopted resolution 1993/54 of 9 March 1993, in which it requested the Secretary-General to submit additional information on civil defence forces and their relation to human rights abuses. HRA hereby submits the following additional information on the civil patrols of Guatemala. (For a more complete discussion of the matters summarized here, please see HRA's full written statement submitted to the Assistant Secretary-General for Human Rights in response to Commission on Human Rights resolution 1993/54.

<u>President de León has failed to honour his previous commitment to disband the civil patrols</u>

3. The Guatemalan civil defence forces, known as civil patrols, are groups of peasants and villagers, comprised primarily of indigenous Guatemalans, organized and controlled by the army with the purported goal of combating anti-government guerillas.* (For detailed information regarding the history of the civil patrols from 1980-1992, see HRA's 1993 report.)

4. While the international human rights community eagerly greeted the ascendance of Ramiro de León Carpio to the Guatemalan presidency, their optimism has proved to be unjustified. Not only has the former human rights ombudsman completely abandoned his previous commitment to disband the civil patrols but, lacking solid domestic political support, he has begun to utilize the patrols as a power base. Instead of honouring his initial pledge, he has become the first civilian president to identify himself publicly with the civil patrols.

5. Although Mr. de León denounced the patrol system while he was in the Guatemalan Constituent Assembly, and again in his capacity as human rights ombudsman, as President he has become its staunch supporter. He has stated that he feels the civil patrols serve an important function, even though he openly acknowledges the patrols to be guilty of grave human rights abuses.

6. Mr. de León has utterly disregarded Commission resolution 1993/88, in which the Commission expressed its concern that the civil patrols were responsible for human rights abuses and requested the Government of Guatemala to move towards the abolition of the patrol system.

7. Since Mr. de León took office on 5 June 1993, there has been a marked increase in human rights violations. Both domestic and foreign-based human rights groups are unanimous in reporting that the numbers of kidnappings, assassinations and tortures have increased under the presidency of Mr. de León.

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* No references will be given here, as a complete list of sources for the information contained in this summary is contained in HRA's full written statement to the Commission and is available from HRA.

8. Specifically, civil patrol violence has risen precipitously. On 4 August 1993, three people were killed and many others wounded when patrol members opened fire on peaceful demonstrators in Huehuetenago province. Patrol members opened fire without warning. Although the attack was videotaped and the assailants are known, there has yet to be a judicial inquiry into the matter.

9. In some provinces, the civil patrol leaders have become, in essence, local warlords. In the town of San Pedro Jocopilas, on 29 June 1993 the local leader ordered his men to execute 10 members of a rival family. The patrollers tied the family up and then machine-gunned them with assault rifles given to them by the army. Several were tortured first. Among the dead was a pregnant 16-year-old girl.

Guatemalan civil patrols are unnecessary and routinely jeopardize the enjoyment of basic rights and fundamental freedoms guaranteed by United Nations human rights instruments

10. The civil patrol system, which continues undiminished under the de León presidency, violates the fundamental human rights of both the patrollers themselves and their victims. The independent expert and numerous human rights organizations continue to receive many credible reports that civil patrollers are the victims as well as the perpetrators of extrajudicial executions, torture, and illegal detentions and disappearances.

11. While Governments are permitted to require certain forms of labour of their citizens, the civil patrol system demands the type of compulsory labour that is impermissible under the International Covenants on Human Rights. Many rural inhabitants are compelled to join the patrols by means of army harassment, and those refusing to patrol are subject to death threats and physical violence.

12. The patrols have destroyed the social fabric of indigenous populations, forcing villagers to spy on each other and creating distrust among formerly peaceful clansmen.

13. Additionally, many peasants depend on income from seasonal agricultural labour to support their families. Patrol members are often prevented from leaving their home villages, and therefore suffer severe economic deprivation.

14. The civil patrols of Guatemala inherently discriminate against the indigenous population, as they are the citizens most frequently forced into the civil patrols, as well as being the targets of patrol violence.

15. The legal system of Guatemala cannot supply a remedy as it lacks the political power and resolve to punish patrol violence. Instead, the judiciary often serves to shield the army and the patrollers from criminal sanctions or punishment.

16. While the International Covenants on Human Rights protect the right to freedom of movement, many peasants in Guatemala are forced from their homes and villages, either by direct military order or by fear of patrol violence. Also, peasants are often compelled to remain in their villages to participate in the patrols, despite their desire to perform migratory labour.

17. Children are routinely exploited and abused by being forced to serve in the civil patrols of Guatemala. Fathers who are unable to patrol have been compelled to send their sons in their stead, even if the sons are minors. Children as young as eight have been required to patrol. There have been many fatal accidents resulting from the children's inexperience with weapons, and children have been deprived of an education due to their patrol obligations.

Conclusion

18. As the foregoing information demonstrates, the Guatemalan civil patrols systematically violate not only domestic law, but also many of the basic human rights guaranteed to all people by such United Nations instruments as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. The patrol system has been repeatedly condemned by domestic human rights organizations, as well as by such international non-governmental organizations as Americas Watch and Amnesty International. The Commission on Human Rights and the General Assembly of the United Nations have also voiced their disapproval, and both the former independent expert reporting to the Commission, Mr. Christian Tomuschat, as well as the current expert, Ms. Monica Pinto, have called for the immediate abolition of the civil patrols. The United Nations General Assembly has requested the Government of Guatemala to eliminate forced participation in the patrols.

19. Despite the international and domestic pressure, the Government of Guatemala has refused to either abolish the civil patrols or even to modify them into a genuinely voluntary patrol system. Even under the civilian Government of the former human rights ombudsman, President de León, the patrols continue to violate the human rights of rural Guatemalans.

20. We therefore request that the Commission urge the Government of Guatemala to take steps towards the complete abolition of the civil patrols. The Commission should again recognize the direct connection between civil defence forces and human rights abuses, and condemn the continuing use of these forces by Governments, in particular the Government of Guatemala. The Commission should request that the Government of Guatemala begin a comprehensive programme to end forced participation in the civil patrols, and to provide effective remedies to individuals whose rights have been violated by the existence of the patrols. The independent expert should incorporate such steps and remedies into her recommendations. We also strongly urge that the independent expert report back to the Commission on this issue at its fifty-first session.